

11CV 6554

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Securities Investor Protection Corporation

## DEFENDANTS

Bernard L. Madoff Investment Securities LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Attorneys for Appellant: Jessica L. Margolis, Wilson Sonsini Goodrich &amp; Rosati P.C., 1301 Avenue of the Americas, NY, NY 10019 (212) 999-5800

## ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP, 45 Rockefeller Plaza, NY, NY 10111 (212) 589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158(a)(1) Appeal from Bankruptcy Court Decision

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Denise L. Cote (Please see attachment)If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[ ] 610 AGRICULTURE	[X] 422 APPEAL	[ ] 400 STATE		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 620 OTHER FOOD &	28 USC 158	[ ] 410 REAPPORTIONMENT		
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[ ] 625 DRUG	[ ] 423 WITHDRAWAL	[ ] 430 ANTI-TRUST		
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	DRUG RELATED	28 USC 157	[ ] 430 BANKS & BANKING		
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[ ] 450 COMMERCE		
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	21 USC 881	PROPERTY RIGHTS	[ ] 460 DEPORTATION		
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL EMPLOYERS'	INJURY PRODUCT	[ ] 630 LIQUOR LAWS	[ ] 820 COPYRIGHTS	[ ] 470 RACKETEER INFLU-		
OVERPAYMENT &	LIABILITY	LIABILITY	[ ] 640 RR & TRUCK	[ ] 830 PATENT	ENCED & CORRUPT		
ENFORCEMENT OF	[ ] 340 MARINE	PERSONAL PROPERTY	[ ] 650 AIRLINE REGS	[ ] 840 TRADEMARK	ORGANIZATION ACT		
JUDGMENT	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 680 OCCUPATIONAL		(RICO)		
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 371 TRUTH IN LENDING	SAFETY/HEALTH	SOCIAL SECURITY	[ ] 480 CONSUMER CREDIT		
[ ] 152 RECOVERY OF	LIABILITY	[ ] 380 OTHER PERSONAL	[ ] 690 OTHER	[ ] 861 HIA (1395m)	[ ] 490 CABLE/SATELLITE TV		
DEFAULTED	[ ] 350 MOTOR VEHICLE	PROPERTY DAMAGE	LABOR	[ ] 862 BLACK LUNG (923)	[ ] 810 SELECTIVE SERVICE		
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	PRODUCT LIABILITY	[ ] 710 FAIR LABOR	[ ] 863 DIWC/DIWW (405(g))	[ ] 850 SECURITIES/		
(EXCL VETERANS)	[ ] 360 OTHER PERSONAL		STANDARDS ACT	[ ] 864 SSID TITLE XVI	COMMODITIES/		
[ ] 153 RECOVERY OF	INJURY		LABORMGMT	[ ] 865 RSI (405(g))	EXCHANGE		
OVERPAYMENT OF			RELATIONS		[ ] 875 CUSTOMER		
VETERAN'S BENEFITS			LABORMGMT		CHALLENGE		
[ ] 160 STOCKHOLDERS SUITS			REPORTING &		12 USC 3410		
[ ] 190 OTHER CONTRACT			DISCLOSURE ACT	FEDERAL TAX SUITS	[ ] 890 OTHER STATUTORY		
[ ] 195 CONTRACT PRODUCT			[ ] 740 RAILWAY LABOR ACT	[ ] 870 TAXES (U.S. Plaintiff or	ACTIONS		
LIABILITY			[ ] 750 OTHER LABOR	Defendant)	[ ] 891 AGRICULTURAL ACTS		
[ ] 196 FRANCHISE			LITIGATION	[ ] 871 IRS-THIRD PARTY	[ ] 892 ECONOMIC		
			[ ] 791 EMPL RET INC	26 USC 7609	STABILIZATION ACT		
			SECURITY ACT		[ ] 893 ENVIRONMENTAL		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION		MATTERS		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO	[ ] 462 NATURALIZATION		[ ] 894 ENERGY		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	VACATE SENTENCE	APPLICATION		ALLOCATION ACT		
[ ] 230 RENT LEASE &	[ ] 443 HOUSING/	20 USC 2255	[ ] 463 HABEAS CORPUS-		[ ] 900 APPEAL OF FEE		
EJECTMENT	ACCOMMODATIONS	[ ] 530 HABEAS CORPUS	ALIEN DETAINEE		DETERMINATION		
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY	OTHER IMMIGRATION		UNDER EQUAL ACCESS		
[ ] 245 TORT PRODUCT	[ ] 445 AMERICANS WITH	[ ] 540 MANDAMUS & OTHER			TO JUSTICE		
LIABILITY	DISABILITIES -	[ ] 550 CIVIL RIGHTS			[ ] 950 CONSTITUTIONALITY		
[ ] 290 ALL OTHER	EMPLOYMENT	[ ] 555 PRISON CONDITION			OF STATE STATUTES		
REAL PROPERTY	[ ] 446 AMERICANS WITH						
	DISABILITIES -OTHER						
	[ ] 440 OTHER CIVIL RIGHTS						

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Denise L. Cote DOCKET NUMBER 11 cv 05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

PLEASE SEE ATTACHMENT

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**  
☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment  
☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**  
☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)**

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Appellant:

The John E. Guinness Revocable Trust Dated June 11, 1992; c/o Wilson Sonsini Goodrich & Rosati P.C., 1301 Avenue of the Americas, 40th Fl., New York, NY 10019, Attn: Jessica L. Margolls

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Appellee:

Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC; Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this is a PRISONER PETITION.)

DATE 9/14/2011  
SIGNATURE OF ATTORNEY OF RECORD  
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO  
[X] YES (DATE ADMITTED Mo. March Yr. 2001)  
Attorney Bar Code #3949732

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)